

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA

Plaintiff,

V.

JOSE LUIS IBARRA-VALLE et al.,

Defendants.

No. 2:20-cr-000197-RAJ

**ORDER GRANTING MOTION
TO CONTINUE TRIAL DATE AND
PRETRIAL MOTIONS DEADLINE**

THIS MATTER comes before the Court on a joint motion of Defendants Jose Ibarra-Valle, Jesus Gutierrez-Garcia, Jesus Garnica-Melgoza, Charles Hoffman, and Tisha Girtz for a continuance of the trial and the pretrial motions due date. The motion is unopposed by the government. Defendant Humberto Garcia does not join in the motion and has indicated he objects to a continuance of the trial date. The Court, having considered the facts set forth in the motion and the records and files herein, FINDS as follows:

1. That the ends of justice will be served by ordering a continuance in this case, that a continuance is necessary to ensure adequate time for effective case preparation and that these factors outweigh the best interests of the public and defendants in a speedy trial.

2. A failure to grant the continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv). In addition, the

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failure to grant a continuance in the proceeding would likely result in a miscarriage of justice, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(i).

3. The ends of justice will be served by ordering a continuance in this case, as a continuance is necessary to ensure adequate time for the defense to review discovery and effectively prepare for trial. All of these factors outweigh the best interests of the public and defendant in a more speedy trial, within the meaning of 18 U.S.C. § 3161(h)(7).

4. Defendant Humberto Garcia's objection to the continuance is overruled. Defendants in this case are alleged to have conspired together. All of the charges arise out of a common investigation, including common wiretap applications and a common search warrant application. It is well established that in multidefendant cases, a reasonable trial continuance as to any defendant tolls the Speedy Trial Act period as to all joined co-defendants, even those who object to a trial continuance or who refuse to submit a waiver under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(6).

IT IS THEREFORE ORDERED that the motion (Dkt. # 176) is GRANTED. The trial date is continued to April 18, 2022. All pretrial motions, including motions in limine, shall be filed no later than February 24, 2022.

IT IS FURTHER ORDERED that the resulting period of delay from the date of this Order to the new trial date of April 18, 2022, is hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv).

DATED this 20th day of September, 2021.



The Honorable Richard A. Jones
United States District Judge

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